



Reprinted
February 19, 2008

ENGROSSED SENATE BILL No. 360

DIGEST OF SB 360 (Updated February 18, 2008 5:02 pm - DI 114)

Citations Affected: IC 15-9.

Synopsis: E85 fueling station grants. Provides that only one E85 fueling station grant may be made per fueling station location, and that the amount of a grant may not exceed the lesser of the amount of the qualified investment or \$20,000. Provides that the amount of a grant may be less than the amount of the qualified investment. Provides that local units of government are eligible to receive E85 fueling station grants for qualified investment in E85 fueling stations. Corrects state agency references.

Effective: Upon passage.

Hershman, Mishler, Kruse

(HOUSE SPONSORS — GRUBB, FRIEND, LEHE)

January 14, 2008, read first time and referred to Committee on Energy and Environmental Affairs.

January 24, 2008, amended, reported favorably — Do Pass.

January 28, 2008, read second time, ordered engrossed. Engrossed.

January 29, 2008, read third time, passed. Yeas 46, nays 2.

HOUSE ACTION

February 4, 2008, read first time and referred to Committee on Ways and Means.

February 11, 2008, reported — Do Pass.

February 18, 2008, read second time, amended, ordered engrossed.

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ES 360—LS 6363/DI 114+



Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 360

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-9-5-2, AS ADDED BY P.L.182-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. As used in this chapter, "fueling station"
4 refers to tangible property (other than a building and its structural
5 components):
6 (1) consisting of:
7 (†) (A) a tank;
8 (‡) (B) a pump; and
9 (‡) (C) other components; **and**
10 (2) that is used by **either**:
11 (A) a person engaged in the business of selling motor fuel at
12 retail to enable motor fuel to be dispensed directly into the fuel
13 tank of a customer's motor vehicle; **or**
14 (B) **a unit to enable motor fuel to be dispensed directly into**
15 **the fuel tank of a motor vehicle owned or leased by the**
16 **unit.**
17 SECTION 2. IC 15-9-5-6.5 IS ADDED TO THE INDIANA CODE

ES 360—LS 6363/DI 114+



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AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: **Sec. 6.5. As used in this chapter, "unit" means
a city, town, county, or township.**

SECTION 3. IC 15-9-5-7, AS ADDED BY P.L.182-2007,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 7. (a) **Subject to subsection (c),** the
department may award a grant under this chapter to a person **or unit**
that:

(1) makes a qualified investment; and
(2) places the qualified investment in service;
in Indiana for the dispensing of E85 base fuel into the fuel tanks of
motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply
with any guidelines developed by the state department of ~~agriculture's~~
agriculture and the office of energy and defense development.

**(c) The department may not award more than one (1) grant
under this chapter for a location.**

SECTION 4. IC 15-9-5-8, AS ADDED BY P.L.182-2007,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), the state
department of ~~agriculture's~~ **agriculture and the** office of energy and
defense development shall determine the amount of each grant awarded
under this chapter.

(b) The amount of a grant awarded under this chapter **for a location**
may not exceed the lesser of the following:

(1) The amount of the ~~person's~~ **grant recipient's** qualified
investment **for the location.**

(2) ~~Five~~ **Twenty** thousand dollars ~~(\$5,000)~~ **(\$20,000).** for all
qualified investments made by the person at a single location.

**(c) The amount of a grant awarded under this chapter for a
location may be less than the amount of the grant recipient's
qualified investment for the location.**

SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 15-9-5-7, AS ADDED BY P.L.182-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **Subject to subsection (c)**, the department may award a grant under this chapter to a person that:

(1) makes a qualified investment; and

(2) places the qualified investment in service;

in Indiana for the dispensing of E85 base fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the state department of ~~agriculture's~~ **agriculture and the** office of energy and defense development.

(c) The department may not award more than one (1) grant under this chapter for a location."

Page 1, line 4, strike "agriculture's" and insert "**agriculture and the**".

Page 1, line 6, after "chapter" insert "**for a location**".

Page 1, line 8, delete "." and insert "**for the location**".

Page 1, line 9, after "(\$20,000)" insert ".".

Page 1, line 9, strike "for all".

Page 1, strike line 10.

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(c) The amount of a grant awarded under this chapter for a location may be less than the amount of the person's qualified investment for the location."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 360 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 11, Nays 0.

ES 360—LS 6363/DI 114+



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SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 360.

HERSHMAN

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 22, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 360 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 15-9-5-2, AS ADDED BY P.L.182-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "fueling station" refers to tangible property (other than a building and its structural components):

(1) consisting of:

~~(1)~~ (A) a tank;

~~(2)~~ (B) a pump; and

~~(3)~~ (C) other components; **and**

(2) that is used by **either:**

(A) a person engaged in the business of selling motor fuel at retail to enable motor fuel to be dispensed directly into the fuel tank of a customer's motor vehicle; **or**

(B) **a unit to enable motor fuel to be dispensed directly into the fuel tank of a motor vehicle owned or leased by the unit.**

SECTION 2. IC 15-9-5-6.5 IS ADDED TO THE INDIANA CODE

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AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. As used in this chapter, "unit" means a city, town, county, or township."**

Page 1, line 4, after "person" insert "**or unit**".

Page 2, line 5, strike "person's" and insert "**grant recipient's**".

Page 2, line 10, delete "person's" and insert "**grant recipient's**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 360 as printed February 12, 2008.)

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